



Diesel Engine Low NO_x Rebuild

Frequently Asked Questions

1. How will a rebuilder know on which engines he is required to use the Low NO_x kits? Address especially how an out-of-chassis rebuilder may identify candidate engines.

RESPONSE: EPA will post notice of which engines are candidates for a Low NO_x Rebuild at least 20 days before the requirement takes effect and kits are available for those engines (See the response to question 2 below for how this notice will be posted). As to the second part of the question regarding the difficulty of determining which engines are candidate engines if they have been removed from the vehicle, EPA believes that out-of-chassis rebuilders have sufficient information to easily determine the vintage and calibration of the engine. We will consult with industry to determine what action, if any, EPA can take to facilitate the process.

2. How will an independent rebuilder know when he is to start using a kit for a particular type of engine if the manufacturer will be phasing in the use of the kits under Paragraph 68 of the decrees? What is the rebuilder's responsibility if the kits are in fact not available by any scheduled date? May engines rebuilt before any date of applicability without using a Low NO_x Kit be sold after the applicability date without modification?

RESPONSE: The engine manufacturers' authorized dealers, distributors, repair facilities and rebuild facilities will be notified directly by their respective engine manufacturer(s) when the kits are available. All other rebuilders may check Low NO_x Rebuild Kit availability either:

- " By contacting the engine manufacturer's authorized dealers or rebuilders,
- " By fax from EPA by telephoning the EPA Automated Telefax System at (202) 564-9660 Press 3 for "other documents about air pollution issues", then key in either 320 for a copy of EPA's letter to rebuilders and a list of responses to frequently asked questions (FAQ), or key in the appropriate manufacturer code¹. Follow instructions to

¹Manufacturers have been assigned the following codes in the EPA Automated Telefax System: Caterpillar - 321, Cummins - 322, Detroit Diesel - 323, Mack and Renault - 324, Volvo - 325, and Navistar - 326.

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key in your fax number. The documents will be sent to your fax machine. The greeting may be skipped by pressing the # key.

- " Via the Internet on EPA's Air Enforcement Division web page at www.epa.gov/oeca/ore/aed/diesel. Click on the button for the "Low NOx Rebuild program".
- " By writing to EPA's Air Enforcement Division at the address below, specifying the name(s) of manufacturer(s) for which you rebuild engines:

EPA
Air Enforcement Division Mail Code 2242A
401 M Street
Washington, DC 20460
attn: Low NOx Rebuild

Manufacturers are required to issue kits for just a few engine calibrations by December 29, 1999, although some manufacturers may start earlier. As soon as a kit is available for a particular engine, it must be used during rebuild. No later than March 27, 2000, kits must be provided for engine calibrations representing at least 50 per cent of the manufacturer's engines that are subject to the Low NOx Rebuild requirements. No later than December 31, 2000, kits must be made available for all of the engines that are subject to the Low NOx Rebuild requirements. Prior to performing a rebuild, the engine rebuilder should check the EPA site for updated information on engines not previously included up to that date.

If kits are not available even though the engines are listed on EPA's site, then the rebuilder should make all efforts to obtain the kits, first by contacting the customer service department of the original manufacturer of the engine, and secondly by contacting EPA (Anne Wick 202-564-2063). EPA does not anticipate supply problems because the vast majority of the Low NOx Rebuild Kits will consist of software changes only. These changes will be available on each manufacturer's computer-based sites. There might be a shortage of labels. If labels are unavailable, rebuilders should proceed with the installation of the Low NOx kit, and fill out the label at a later date to be sent to the engine retailer or purchaser for installation. Should EPA choose to audit rebuilt engines, we will still be able to determine whether the rebuild was performed through a code present on the rebuild software.

Engines rebuilt before any date of applicability without using a Low NOx Kit may be sold after the applicability date without modification. The rebuilder may want to retain records indicating serial number and rebuild date for engines rebuilt just prior to the applicability date.

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3. The Low NOx Rebuild Kits are to be supplied to the independent rebuilders at “no added cost”. Does this allow the manufacturers to charge service costs such as special handling costs or shipping and delivery costs? What if the kit requires use of equipment or supplies not generally available to the independent rebuilder? How will that cost be borne? For example, if the kit includes a software modification, how will the rebuilder make this modification if he does not already have the hardware or software necessary to use it? Will he be charged by the manufacturer to make this software modification?

RESPONSE: “No added cost” means the engine manufacturer must provide the kit and perform any reprogramming necessary, including any connection charges to access the software changes, without charge when a rebuilder requests it from any of the manufacturer’s affiliated distribution networks. In the rare case of a rebuild kit that contains hardware parts necessary to achieve the required emission reductions, if those parts are normally replaced at rebuild, but the NOx kit contains special designs of those parts, the manufacturer may charge no more than the then-current price of the original part. If the part is not normally replaced at rebuild, then that part must be included without charge. Where it is technically possible, the engine’s computer may be removed and shipped to the affiliated distribution center for reprogramming. Shipping costs will not be reimbursed by the engine manufacturer.

4. How will manufacturers insure that the Kits will be available on a regular basis and in a timely fashion so that the rebuilder’s business is not adversely affected?

RESPONSE: Under the Consent Decrees, the manufacturers are obligated to make the kits available “in quantities necessary to meet expected demand.” The manufacturers will use their normal distribution networks to insure the kits are available on a timely basis. In fact, EPA has been informed that kits are already in stock at some manufacturers, even while last minute design changes are being made to the software calibrations. This is possible because most Low NOx Rebuild Kits will consist of the label and software changes only. Please inform EPA (Anne Wick at 202-564-2063) of any shortages of Low NOx Rebuild Kits.

5. In instances where different parties are involved in rebuilding and installing the engine or in rebuilding different parts of the engine, who is responsible for insuring that the Low NOx Kit is used?

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RESPONSE: All parties who participate in a rebuild of an engine subject to the Low NOx Rebuild requirements are responsible for insuring that a kit is used. They should coordinate amongst themselves to ensure that the rebuild is performed properly.

6. What training or information will be provided to rebuilders on the use of the kits? Will there be a hotline or web site provided by the manufacturer so that questions about the use of the kit or answers to problems can be addressed in a timely manner?

RESPONSE: Each affected engine manufacturer is required to properly train its authorized dealers, distributors, repair facilities and rebuild facilities in the use and installation of the Low NOx Rebuild Kits. The instruction will most likely occur through the use of technical service bulletins. Furthermore, the engine manufacturers are required to provide instructions to any persons who are to install the kits. The vast majority of the kits will consist of a voucher for a software recalibration and a label. Thus, instructions are expected to be very simple. Some sample instructions provided by some of the manufacturers are available on EPA's Diesel Engine Settlement Web Site under the Low NOx Program (see the response to question number 2 for the web address). Rebuilders should contact individual engine manufacturers to determine whether additional information will be available in what formats. If a rebuilder experiences problems either obtaining the Low NOx Rebuild Kits or adequate instruction, he should contact EPA (Anne Wick, 202-564-2063).

7. Many rebuilders regard the use of non-original parts as an important part of rebuilding the engine. Will rebuilders still be able to use such non-OE parts for those repairs not involving changes required by the decree and will the manufacturer be prevented from using the Kits to require rebuilders to use its parts for repairs unrelated to the decrees?

RESPONSE: The Clean Air Act specifically protects the right of any party to use non-OE parts. Where a manufacturer chooses to incorporate the Low NOx Rebuild Kit into a standard rebuild kit, EPA requires it to also offer the Low NOx Rebuild Kit on a stand-alone basis. Thus, independent rebuilders may continue to use non-OE parts for any part of the rebuild other than those components required in the Low NOx Rebuild Kit. During the process of reviewing their Low NOx Rebuild Plans, EPA made it very clear to the manufacturers that they could not require that the use of the Low NOx Rebuild Kit was contingent on the use of OE parts other than those few parts included in the kit. All approved plans are in compliance with this requirement.

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8. What happens if a rebuilder is unable to get a kit? Can he complete the rebuild without it?

RESPONSE: EPA will work with the engine manufacturer to insure that kits are provided on a timely basis. Contact EPA (Anne Wick, 202-564-2063) after first contacting the engine manufacturer if unable to obtain a kit.

9. How will a rebuilder know when part of a covered engine already has been rebuilt using a Low NOx kit if the part is not one which is to be labeled under Paragraph 77?

RESPONSE: In most cases, the rebuilder should be able to determine that the Low NOx rebuild kit has been installed either through the presence of a readily visible label, a special part number on the engine's computer, or a software code identifying the calibration as a Low NOx calibration. If the rebuilder is still in doubt as to whether part or all of the Low NOx Rebuild has been completed, he should consult with any others who have worked on the engine.

10. If a rebuilt engine experiences problems as a result of the Low NOx Kit, will the engine manufacturer be responsible for the cost of correcting the problem? What if the kit causes problems with the operation of other vehicle components such as the transmission? Will the engine manufacturer be responsible for correcting those problems?

RESPONSE: Liability for problems after rebuilding will be decided by individual companies according to normal warranty law. In cases where the engine manufacturer determines that there are problems with low NOx calibrations once installed, the manufacturers may submit and EPA may approve changes to the Low NOx Rebuild computer calibrations to address those problems.

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11. What is an independent rebuilder's liability if he rebuilds a covered engine without using a kit?

RESPONSE: Failure to install a Low NOx Rebuild kit as required or removal of a Low NOx Rebuild kit once installed may constitute tampering under Section 203(a)(3) of the Clean Air Act. Section 205 of the Clean Air Act provides for a maximum civil penalty of \$27,500 for any manufacturer or dealer and \$2,750 for any person who violates Section 203(a)(3). EPA may consider each engine involved as a separate violation of the Act. The rebuilder may wish to maintain records of Low NOx Rebuilds sufficiently detailed to document for each Low NOx Rebuild he performs: the engine manufacturer, engine serial number, engine model year, EPA engine family name, engine calibration or model, the part number of the Low NOx Rebuild Kit that was installed, and the date the rebuild was performed along with any supporting information such as the mileage on the engine and the extent of the rebuild. If any other parties were involved in the rebuild, the rebuilder may wish to document who did what part of the rebuild.

12. Are the proposed decrees intended to affect heavy-duty engine rebuilding in any way other than the use of the Low NOx Rebuild Kits?

RESPONSE: Heavy-duty engine rebuilding practices are not affected in any other way by the consent decrees.

13. What input, if any, will representatives of independent rebuilders have in the review and/or approval of Paragraph 65 plans submitted by the manufacturers?

RESPONSE: Low NOx Rebuild Plans have already been submitted and approved by EPA for all of the settling diesel engine manufacturers. The views of trade organizations representing independent rebuilders were considered by EPA during the process, including NADA and AERA. Meetings, such as the annual meeting of the Production Engine Remanufacturers Association, provide an opportunity for independent rebuilders to provide input to EPA during the implementation of the Low NOx Rebuild programs. In addition, EPA will be holding periodic public meetings to discuss problems that arise resulting from implementation of the Consent Decrees. Meeting announcements will be made on EPA's Diesel Engine Settlement Web Page (<http://www.epa.gov/oeca/ore/aed/diesel>).